

**House File 558 - Introduced**

HOUSE FILE 558  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 292)

**A BILL FOR**

1 An Act relating to requests for agency action involving rules  
2 affecting livestock production, and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.7, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. To the extent that a provision in this  
4 section conflicts with a provision in section 17A.7A, the  
5 provision in section 17A.7A prevails.

6 Sec. 2. NEW SECTION. **17A.7A Petition for adoption of rules  
7 and request for review of rules — livestock production.**

8 1. As used in this section, "*regulatory burden*" includes  
9 but is not limited to an issue affecting the health, treatment,  
10 or use of livestock; a condition or activity occurring on land  
11 used for the production of livestock, including but not limited  
12 to the breeding, care, feeding, or housing of livestock; manure  
13 management; or the disposal of a livestock carcass.

14 2. This section applies to a request for an agency action  
15 submitted pursuant to section 17A.7, relating to the regulatory  
16 burden placed upon a livestock producer, including a petition  
17 to an agency requesting the adoption, amendment, or repeal  
18 of a rule or a written request to the administrative rules  
19 coordinator for an agency to conduct a formal review of a rule  
20 of that agency. The administrative rules coordinator may  
21 submit a request made under this section to the agency for a  
22 decision.

23 3. The request shall be denied within the time period set  
24 out in section 17A.7, if all of the following apply:

25 a. It is more likely than not that any action to adopt,  
26 amend, or repeal a rule resulting from the petition or review  
27 would increase the regulatory burden placed upon a livestock  
28 producer.

29 b. The request is not accompanied by credible data. In  
30 order to be credible, data must include facts, measurements,  
31 or statistics that are collected and analyzed using objective  
32 methods that are generally scientifically accepted. Data is  
33 not credible if an agency would not rely upon it alone to  
34 adopt, amend, or repeal a rule.

35 4. This section applies notwithstanding any contrary

1 provision in section 17A.7.

2 5. This section does not apply if the agency or  
3 administrative rules coordinator determines that an action to  
4 adopt, amend, or repeal a rule resulting from the petition  
5 or review would substantially decrease the regulatory burden  
6 placed upon a livestock producer and any increase in the  
7 regulatory burden placed upon the livestock producer would be  
8 minimal.

9 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 REQUESTS FOR AGENCY ACTION. The "Iowa Administrative  
13 Procedure Act" allows a person to submit a request for agency  
14 action to adopt, amend, or repeal a rule (Code section 17A.7).  
15 The request may be in the form of a petition submitted to the  
16 agency. Generally, the agency must either deny the request  
17 or initiate rulemaking procedures. A request may also be  
18 submitted by a person, association, agency, or political  
19 subdivision to the administrative rules coordinator to order  
20 the agency to conduct a review and determine whether a rule  
21 should be amended or repealed or a new rule adopted.

22 REQUESTS INVOLVING LIVESTOCK PRODUCTION. This bill provides  
23 special procedures for a request that would increase the  
24 regulatory burden placed upon a livestock producer. In that  
25 case, the agency or administrative rules coordinator must deny  
26 the request unless it is accompanied by credible data collected  
27 and analyzed using generally accepted scientific methods. The  
28 bill provides that the administrative rules coordinator may  
29 defer the decision to the agency. The bill's provisions do not  
30 apply even if the agency or administrative rules coordinator  
31 determines that there would be an increase in the regulatory  
32 burden, so long as the increase would be minimal and would be  
33 offset by a substantial decrease in the livestock producer's  
34 regulatory burden.